

MEMORANDUM OF UNDERSTANDING  
BETWEEN THE  
UNITED STATES DEPARTMENT OF THE INTERIOR,  
OFFICE OF TERRITORIAL AND INTERNATIONAL AFFAIRS,  
KILI/BIKINI/EJIT LOCAL GOVERNMENT COUNCIL  
AND THE  
UNITED STATES DEPARTMENT OF ENERGY  
OFFICE OF ENVIRONMENT, SAFETY AND HEALTH  
FOR THE  
REHABILITATION AND RESETTLEMENT OF BIKINI ATOLL

This Memorandum of Understanding (hereinafter referred to as "MOU") is made by and between the UNITED STATES DEPARTMENT OF THE INTERIOR represented by the Office of Territorial and International Affairs (hereinafter referred to as "DOI/OTIA"), the KILI/BIKINI/EJIT LOCAL GOVERNMENT COUNCIL (hereinafter referred to as "the Council"), and the UNITED STATES DEPARTMENT OF ENERGY represented by the Office of Environment, Safety and Health (hereinafter referred to as "DOE/ES&H").

WITNESSETH:

WHEREAS, this MOU is in accordance with Section 105 (b)(3) and Section 226 of Public Law Nos. 99-239, Section 104K of 99-658; and Public Laws 99-257 and 100-455 as they pertain to the establishment of the Bikini Trust Fund.

WHEREAS, DOE/ES&H provides logistical support for its ongoing activities in the Marshall Islands;

WHEREAS, the Council and DOI/OTIA would benefit from the assistance of DOE/ES&H logistical support provided on a reimbursable basis; and

WHEREAS, DOE/ES&H is capable and willing to provide logistical support assistance in the rehabilitation and resettlement of Bikini Atoll by providing on a reimbursable basis: support for the Bikini Field Station; logistical

Should you have any questions regarding this matter, please call  
Larry Morgan of my staff at (202) 208-3003.

Sincerely,

A handwritten signature in black ink, appearing to read 'Stella Guerra', with a long horizontal flourish extending to the right.

Stella Guerra  
Assistant Secretary  
Territorial and International Affairs

Enclosures

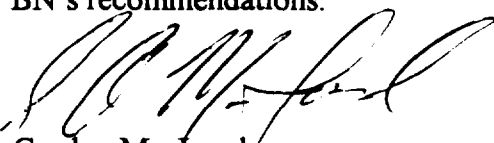
cc: Ambassador David Fields

this after the kitchen has been turned over to RRE to support the Bikinians a DOE cold storage area will be needed to store up to six months of food. This will entail moving the walk-in freezer/refrigerator at Kwajalein to Bikini and constructing it in the DOE dry goods storage area. DOE will therefore be keeping control of their dry goods storage area. The plumbing shop which is adjacent to the dry goods building will be emptied of equipment and tools which will be placed in the carpenter's shop. That building will then be available to become RRE's dry goods storage area.

The kitchen facility and laundry at the quadraplex will free DOE and RRE personnel from having to negotiate schedules for meals, and laundry. It also affords DOE personnel the freedom to cook what (fresh caught fish, lobster etc.) and when they want and to still be supplied via Kwajalein with fresh vegetables and fruits.

- 3) Kitchen and dining room appliances, the ice machine, the twin juicer, and the ice cream machine should remain in place and be accessible to DOE personnel during non-dining hours. It is recommended that a second large capacity ice machine be purchased to allow filling of ice chests, bar chests, and ice buckets to augment the DOE machine.
- 4) A rate for use of the living quarters renovated and newly constructed by the Bikini Council needs to be negotiated along with a daily meal charge during the DOE missions. In addition, a per meal charge during non-mission periods is also desired.
- 5) Subcontract with Bikini Council/IBC to have the DOE facilities reroofed utilizing the seamless roller method that is being applied to the renovated and newly constructed buildings.
- 6) Review the rolling stock and equipment present at the field station. Equipment no longer needed or in disrepair will be excessed.

These changes need to be in place by May 1, 1996 in order not to impact the Bikini Council's schedule. Please call me at (702) 295-2927 or fax at 295-2769 if you have any questions. Concerning BN's recommendations.



Gordon MacLeod  
Project Manager

GAM:ETM:kab

File Code: PLB 8

cc: B. Jackson, DOE/EH  
E. Gilmore, EPG/Bikini Council  
E. Molnar, BN, M/S NLV079

THIS AGREEMENT is entered into between the UNITED STATES DEPARTMENT OF THE INTERIOR (hereinafter called "DOI"), represented by the OFFICE OF TERRITORIAL AND INTERNATIONAL AFFAIRS (hereinafter called "OTIA", and the REPUBLIC OF THE MARSHALL ISLANDS (hereinafter call "RepMar").

#### ARTICLE I - PURPOSE

The purpose of this Memorandum of Agreement (MOA) is for OTIA to provide funding to RepMar in order for RepMar to assist and provide funding to the Enewetak/Ujelang Local Government Council (hereinafter called "Council") for the operation of an agricultural and food program pursuant to Section 103(h)(2) of Public Law 99-239, the Compact of Free Association.

#### ARTICLE II - SEPARATE AGREEMENTS

RepMar will enter into a separate agreement with the Council for the operation of a food and agricultural maintenance program as generally contemplated by the FY 1993 Enewetak Food and Agriculture Program Proposed Budget Summary appended hereto ("Attachments A-1, A-2, A-3, A-4, A-5 & A-6") (hereinafter called "Budget") and incorporated as a part of this Agreement.

OTIA will enter into a separate agreement with the U.S.

Department of Energy (hereafter called "DOE") which will provide transition services during the first quarter of FY 1993 as contemplated by the Scope of Work appended hereto (Attachment B).

The estimated cost of the services listed in attachment "B" are identified in the Budget and are computed on the basis of actual costs plus no more than 15 per cent of actual cost to cover overhead charges. The Council will assume responsibility for the contractor services previously provided by DOE effective January 1, 1993.

RepMar will also provide the following administrative services:

- a). Enter into a formal agreement with a qualified individual to serve as Master/Engineer and Training Captain of the Wetak II, a 53-foot motor sailing vessel, whose home port is Enewetak, Republic of the Marshall Islands. The annual salary of the qualified individual for FY 1993 shall not exceed \$48,240.00 and he shall be eligible at the end of each ninety day period (or whenever practical within a maximum of four round trips per year) to return for two weeks to Honolulu, Hawaii, as leave time with regular compensation, with the exception that, for two of these two-week vacation periods, RepMar shall return the qualified individual to California. RepMar shall provide funds to cover the cost of transportation to and from United States destinations and per diem in accordance with established Government rates for the period of transit. Per diem shall not be paid while the Contractor is on vacation.

- b). The agreement entered into with the Master/Engineer should provide for the training of individuals selected by the Council in sailing, boat handling, navigation, safety procedures, basic maintenance, seamanship and engineering aboard the Wetak II.
- c). RepMar will acquire and maintain effective October 1, 1992 the appropriate marine insurance against the risk of loss of vessel Wetak II. Funding for purchase of the insurance will be provided under the grant to RepMar.
- d). RepMar shall, at the request of the Council, provide to the Council the services of a food nutritionist, to conduct quarterly surveys of the balanced food requirements of the Enewetak Community. If the services of such a nutritionist are requested, (i) the nutritionist shall provide recommendations, in consultation with an individual appointed by the Council, on the foods to be ordered quarterly by the Council; and (ii) RepMar shall provide for transportation of the nutritionist to and from Enewetak, and per diem according to the established RepMar rate will be provided while in transit and on Enewetak.
- e). RepMar may apply funding under this grant to the costs of no more than two trips by RepMar personnel to Enewetak to monitor and evaluate the program.

RepMar may apply funding under this grant as described above and pursuant to the Budget.

### ARTICLE III - FUNDING/RESPONSIBILITIES

The total funding to be provided pursuant to the FY 1993 Appropriations Act (P.L. 102-381) for the Department of the Interior and Related Agencies is \$1,090,650. OTIA shall retain \$ 85,565.00 to cover the cost of services to be provided by DOE for services required during the first quarter of FY 1993, pursuant to the separate agreement required under Article II.

The program Budget agreed upon by RepMar, the Council and DOI is as follows:

Category	ELGC	DOE
Foods & commodities	\$ 400,070	\$ 0
Agriculture	131,017	0
Wetak II - Motor Sailor	130,540	1,635
Field Station - O&M	317,650	83,930
Majuro Support Office	25,808	0
Program totals:	\$ 1,005,085	\$ 85,565

The Council is authorized to reprogram amounts within the funding provided to the local government in amounts no greater than plus or minus 10 per cent of a specific budget category.

Reprogramming of amounts in excess of plus or minus ten percent shall require the written approval of RepMar and DOI.

The reprogramming of funds retained by DOI for services to be provided by DOE shall only be authorized with the written approval of the Council and DOI.

#### ARTICLE IV - TIME PERIOD

This MOA shall become effective on the date of signature of this MOA and will remain in effect until September 30, 1993. This MOA may be modified by mutual consent of both parties.

#### ARTICLE V - SPECIAL REQUIREMENTS

RepMar and the Enewetak Local Government Council shall prepare and submit to OTIA by November 1, 1993, an annual report on this project, which will be transmitted to the United States Congress as required by Section 104(k) of Public Law 99-658.

It is anticipated that RepMar will end FY 1992 with an unspent balance for the FY 1992 Enewetak Agricultural and Food Programs. The Undersecretary of Foreign Affairs for Compact Implementation shall consult with the Council and thereafter submit to OTIA for approval a proposal for expending the remaining balance on behalf of the programs.

#### ARTICLE VI - REPORTING REQUIREMENTS


- An SF-270, Request for Advance or Reimbursement, will be submitted to the OTIA Budget Officer for drawdown of funds.
- An SF-269, Financial Status Report, will be submitted to the OTIA Budget Officer quarterly.
- RepMar assures and certifies that it will comply with all applicable Federal laws, regulations and requirements



as they relate to the application, acceptance and use  
of this Federal Project under P.L. 99-239 in accordance  
with Office of Management and Budget Circular A-102, the  
"Common Rule" and OMB Circular A-128.

DATE

21 Oct. '92

  
Stella Guerra  
Assistant Secretary  
Territorial and  
International Affairs

DATE

\_\_\_\_\_  
Christopher Loeak  
Minister of Social Services  
Republic of the Marshall Islands

ENEWETAK FOOD AND AGRICULTURE PROGRAM  
 FISCAL YEAR 1993  
 TENTATIVE BUDGET SUMMARY

09/02/92

SUB-PROGRAMS	EULG FUNDING	DOE FUNDING	TOTAL
FOOD & COMMODITIES	400070	0	400070
AGRICULTURE	131017	0	131017
WETAK II	130540	1635	132175
FIELD STATION	327000	83930	410930
MAJURO SUPPORT OFFICE	25808	0	25808
TOTAL	1014435	85565	1100000

ENEWETAK FOOD AND AGRICULTURE PROGRAM  
 FISCAL YEAR 1993  
 FOODS & COMMODITIES

09/02/92

DESCRIPTION	EULG FUNDING	DOE FUNDING	TOTAL
MISC. CHARGES	1000	0	1000
SUPPLEMENTAL FOODS	332000	0	332000
LOCAL & OTHER FOOD PURCHASES	15000	0	15000
KEROSENE	10000	0	10000
SHIPPING - AIR/SURFACE	0	0	0
CONSULTANT/NUTRITIONIST	15000	0	15000
CONTINGENCY	27070	0	27070
<b>TOTAL</b>	<b>400070</b>	<b>0</b>	<b>400070</b>

ENEWETAK FOOD AND AGRICULTURE PROGRAM  
FISCAL YEAR 1993  
AGRICULTURE

09/02/92

DESCRIPTION	EULG FUNDING	DOE FUNDING	TOTAL
LABOR	50527	0	50527
POL	10000	0	10000
SUBSISTENCE	540	0	540
MATL/SERV/EQUIP	15000	0	15000
SHIPPING/SURFACE	4500	0	4500
SHIPPING/AIR	620	0	620
MATERIAL HANDLING	830	0	830
CONSULTANT/QTRS/AIR FARES	20000	0	20000
CONTINGENCY	29000	0	29000
<b>TOTAL</b>	<b>131017</b>	<b>0</b>	<b>131017</b>

ENEWETAK FOOD AND AGRICULTURE PROGRAM  
FISCAL YEAR 1993  
WETAK II

09/02/92

DESCRIPTION	EULG FUNDING	DOE FUNDING	TOTAL
LABOR	34640	0	34640
POL	3000	1000	4000
SUBSISTENCE	4500	500	5000
MATL/SERV/EQUIP	18000	0	18000
LABOR, EXPAT (CAPT)	45000	0	45000
TRAVEL, EXPAT (CAPT)	8000	0	8000
VESSEL INSURANCE	10000	0	10000
RMI SUPPORT (2 TRIPS/YR)	1000	0	1000
CONSULTANT/MARINE	4000	0	4000
TRAVEL/HOTEL (CONSULTANT)	1000	0	1000
HOTEL/QTRS/RENTAL (CREW)	3000	0	3000
SHIPPING - SURFACE/AIR	1500	0	1500
MATERIAL HANDLING	1500	0	1500
VESSEL PAX REVENUE	-2200	0	-2200
VESSEL CARGO REVENUE	-6400	0	-6400
VESSEL CHARTER REVENUE	-2000	0	-2000
MISC. CHARGES	1000	0	1000
CONTINGENCY	5000	0	5000
SUPPORT SERVICE CHARGE	0	135	135
TOTAL	130540	1635	132175

ENEWETAK FOOD AND AGRICULTURE PROGRAM  
FISCAL YEAR 1993  
ENEWETAK FIELD STATION

09/02/92

DESCRIPTION	EULG FUNDING	DOE FUNDING	TOTAL
LABOR	100000	0	100000
POL	25000	15000	40000
SUBSISTENCE	21000	7000	28000
MATL/SERV/EQUIP - HNL/KWA/MAJ	60000	5000	65000
LABOR, EXPAT	80000	25000	105000
HOTEL/TRAVEL/AIR FARES	10000	5000	15000
COMMUNITY SUPPORT	6000	0	6000
SHIPPING - SURFACE/AIR	10000	20000	30000
POL/EQUIP/S&Q/MISC. CREDITS	-15000	0	-15000
CONTINGENCY	30000	0	30000
SUPPORT SERVICE CHARGE		6930	6930
<b>TOTAL</b>	<b>327000</b>	<b>83930</b>	<b>410930</b>

ENEWETAK FOOD AND AGRICULTURE PROGRAM  
 FISCAL YEAR 1993  
 MAJURO SUPPORT OFFICE

09/02/92

DESCRIPTION	EULG FUNDING	DOE FUNDING	TOTAL
LABOR	7488	0	7488
POL	1000	0	1000
OFFICE RENT	4320	0	4320
UTILITIES	2200	0	2200
MATL/EQUIP/SERV	800	0	800
CONTINGENCY	10000	0	10000
TOTAL	25808	0	25808

## Certification Regarding Debarment, Suspension, and Other Responsibility Matters

### Primary Covered Transactions

---

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 43 CFR Part 12, Section 12.510, Participants' responsibilities. The regulations were published as Part VII of the May 25, 1988 Federal Register (pages 19160-19211). Copies of the regulations are included in the proposal package. For further assistance in obtaining a copy of the regulations, contact the U.S. Department of the Interior, Acquisition and Assistance Division, Office of Acquisition and Property Management, 18th and C Streets, N.W., Washington, D.C. 20240.

(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
  - (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
  - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
  - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
  - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

---

Name and Title of Authorized Representative

---

Signature

Date



## Instructions for Certification

1. By signing and submitting this proposal, the prospective primary participant is providing the certification set out below.
2. The inability of a person to provide the certification required below will not necessarily result in denial of participation in this covered transaction. The prospective participant shall submit an explanation of why it cannot provide the certification set out below. The certification or explanation will be considered in connection with the department or agency's determination whether to enter into this transaction. However, failure of the prospective primary participant to furnish a certification or an explanation shall disqualify such a person from participation in this transaction.
3. The certification in this clause is a material representation of fact upon which reliance was placed when the department or agency determined to enter into this transaction. If it is later determined that the prospective primary participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause of default.
4. The prospective primary participant shall provide immediate written notice to the department or agency to whom this proposal is submitted if at any time the prospective primary participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
5. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of the rules implementing Executive Order 12549. You may contact the department or agency to which this proposal is being submitted for assistance in obtaining a copy of those regulations.
6. The prospective primary participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency entering into this transaction.
7. The prospective primary participant further agrees by submitting this proposal, that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
8. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List (Tel.#).
9. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
10. Except for transactions authorized under paragraph 6 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency may terminate this transaction for cause or default.

ANY AGENCY OR CONTRACTOR RECEIVING SUBGRANTS OR CONTRACTS IN EXCESS OF \$25,000, AS A RESULT OF THE FEDERALLY FUNDED PRIMARY GRANT, IS REQUIRED TO SIGN THE ATTACHED CERTIFICATION FORM. THE SIGNED CERTIFICATION SHOULD BE PLACED IN THE PRIME GRANTEE'S FILE AND BE MADE AVAILABLE, IF REQUESTED, DURING ANY AUDIT OF FEDERAL FUND EXPENDITURES. THIS IS A REQUIREMENT OF THE OFFICE OF MANAGEMENT AND BUDGET, UNITED STATES FEDERAL GOVERNMENT.

The attached certification form may be locally reproduced.

**Certification Regarding  
Debarment, Suspension, Ineligibility and  
Voluntary Exclusion**

**Lower Tier Covered Transactions**

---

This certification is required by the regulations implementing Executive Order 12549, Debarment and Suspension, 43 CFR Part 12, Section 12.510, Participants' responsibilities. The regulations were published as Part VII of the May 26, 1988 Federal Register (pages 19160-19211). Copies of the regulations are included in the proposal package. For further assistance in obtaining a copy of the regulations, contact the U.S. Department of the Interior, Acquisition and Assistance Division, Office of Acquisition and Property Management, 18th and C Streets, N.W., Washington, D.C. 20240.

**(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)**

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

---

**Name and Title of Authorized Representative**

---

**Signature**

**Date**

## Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," "person," "primary covered transaction," "principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include this clause titled "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion-Lower Tier Covered Transaction," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List (Tel.#).
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

**ASSURANCES — NON-CONSTRUCTION PROGRAMS**

**Note:** Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project costs) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.  
  
Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the nineteen statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§ 1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age;
- (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse. (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to non-discrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply with the provisions of the Hatch Act (5 U.S.C. §§ 1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. § 276c and 18 U.S.C. §§ 874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§ 1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. § 7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§ 1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. 470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. 469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. 2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§ 4801 et seq.) which prohibits the use of lead based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act of 1984.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE	
APPLICANT ORGANIZATION		DATE SUBMITTED

U.S. Department of the Interior  
Certification Regarding  
Drug-Free Workplace Requirements

This certification is required by the regulations implementing the drug-free workplace requirements for Federal grant recipients under the Drug-Free Workplace Act of 1988 (43 CFR Part 12, Subpart D). A copy of the regulation is available from the issuing office.

**BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS BELOW:**

**Instructions for Certification**

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification set out below.
2. The certification set out below is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, the agency, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. For grantees other than individuals, Alternate I applies.
4. For grantees who are individuals, Alternate II applies.
5. Workplaces under grants for grantees other than individuals need not be identified on the certification. If known, they may be identified on the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplaces on file in its office and make the information available for Federal inspection. Failure to identify known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
6. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, all employees in each local unemployment office, performers in concert halls or radio studios).
7. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the changes, previously identified the workplaces in question (see paragraph five).
8. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from those rules:

"Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1306.11 through 1306.16);

"Conviction" means a finding of guilt (including a plea of nolo contendere) or imposition of sentence, or both, by any judicial body charged with responsibility to determine violations of the Federal or State criminal drug statutes;

"Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any controlled substance;

"Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including (i) all "direct charge" employees; (ii) all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and (iii) temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement); consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces.

**ALTERNATE II. (Grantees Who Are Individuals)**

(a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;

(b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to the grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each award grant.

Signature \_\_\_\_\_

Date \_\_\_\_\_

**U.S. Department of the Interior**  
**Certification Regarding**  
**Drug-Free Workplace Requirements**

This certification is required by the regulations implementing the drug-free workplace requirements for Federal grant recipients under the Drug-Free Workplace Act of 1988 (43 CFR Part 12, Subpart D). A copy of the regulation is available from the issuing office.

**BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE**

**Alternate I: (Grantees Other Than Individuals)**

**A. The grantee certifies that it will or continue to provide a drug-free workplace by:**

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
- (b) Establishing an ongoing drug-free awareness program to inform employees about --
  - (1) The dangers of drug abuse in the workplace;
  - (2) The grantee's policy of maintaining a drug-free workplace;
  - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
  - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
  - (1) Abide by the terms of the statement; and
  - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d) (2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to the grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted --
  - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
  - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) & (f).

**B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:**

**Place of Performance (Street address, city, county, state, zip code)**

Check \_\_\_\_\_ if there are workplaces on file that are not identified here.

**Name and Title of Authorized Representative**

**Signature** \_\_\_\_\_

**Date** \_\_\_\_\_



Instructions to Insular Government Grantees Concerning New  
Lobbying Certifications/Restrictions

Section 319 of the Department of Interior and Related Agencies Appropriations Act (P.L. 101-121) added a new section 1352 to title 31, United States Code entitled "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions."

The Act prohibits recipients of Federal contracts, grants, loans, or cooperative agreements from using appropriated funds to influence or attempt to influence Congress or a Federal agency in connection with the award of a contract, grant, loan, or cooperative agreement. The Act also requires disclosure of such activities undertaken with nonappropriated funds.

In compliance with this act, the Insular Governments must submit a "Certification Regarding Lobbying" (Form No. DI-1963) with each technical assistance grant application or with each acceptance of a grant offer for capital improvement and special program projects, if the grant amount exceeds \$100,000. If nonappropriated funds are used for lobbying, as defined in the OMB interim final rule, the Insular Governments must submit the "Disclosure Statement" (Standard Form LLL) to OTIA. Any contracts or subgrants in excess of \$100,000 which are awarded using the primary grant funds are also subject to these certification and disclosure requirements. Certification forms which are submitted by contractors or subgrantees should be kept with the Insular Government's grant records. Copies of all disclosure statements submitted by contractors or subgrantees must be forwarded to OTIA.

The prohibition on use of appropriated funds and disclosure of use of nonappropriated funds do not apply in the case of the Insular Government's representative and liaison offices. Reasonable compensation made to officers and regular employees of these offices is exempted in Subpart B of the OMB interim final rule.

A copy of the interim final rule concerning these requirements and copies of the appropriate forms are enclosed.

## U.S. Department of the Interior Certification Regarding Lobbying

---

This certification is required by Section 1352, title 31, U.S. Code, entitled "Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions."

*(BEFORE COMPLETING CERTIFICATION, READ INSTRUCTIONS ON REVERSE)*

### Certification for Contracts, Grants, Loans, and Cooperative Agreements

---

The undersigned certifies, to the best of his or her knowledge and belief, that:

(1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

(2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

(3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly:

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Signature \_\_\_\_\_

Date \_\_\_\_\_

# DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB  
0346-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352  
(See reverse for public burden disclosure.)

<b>1. Type of Federal Action:</b> <input type="checkbox"/> a. contract <input type="checkbox"/> b. grant <input type="checkbox"/> c. cooperative agreement <input type="checkbox"/> d. loan <input type="checkbox"/> e. loan guarantee <input type="checkbox"/> f. loan insurance	<b>2. Status of Federal Action:</b> <input type="checkbox"/> a. bid/offer/application <input type="checkbox"/> b. initial award <input type="checkbox"/> c. post-award	<b>3. Report Type:</b> <input type="checkbox"/> a. initial filing <input type="checkbox"/> b. material change For Material Change Only: year _____ quarter _____ date of last report _____
<b>4. Name and Address of Reporting Entity:</b> <input type="checkbox"/> Prime <input type="checkbox"/> Subawardee Tier _____, if known:  Congressional District, if known: _____		<b>5. If Reporting Entity in No. 4 is Subawardee. Enter Name and Address of Prime:</b>   Congressional District, if known: _____
<b>6. Federal Department/Agency:</b>  _____		<b>7. Federal Program Name/Description:</b>  CFDA Number, if applicable: _____
<b>8. Federal Action Number, if known:</b>  _____		<b>9. Award Amount, if known:</b> \$ _____
<b>10. a. Name and Address of Lobbying Entity (if individual, last name, first name, MI):</b>  _____		<b>b. Individuals Performing Services (including address if different from No. 10a) (last name, first name, MI):</b>  _____
(attach Continuation Sheet(s) SF-LLL-A if necessary)		
<b>11. Amount of Payment (check all that apply):</b> \$ _____ <input type="checkbox"/> actual <input type="checkbox"/> planned	<b>13. Type of Payment (check all that apply):</b> <input type="checkbox"/> a. retainer <input type="checkbox"/> b. one-time fee <input type="checkbox"/> c. commission <input type="checkbox"/> d. contingent fee <input type="checkbox"/> e. deferred <input type="checkbox"/> f. other, specify: _____	
<b>12. Form of Payment (check all that apply):</b> <input type="checkbox"/> a. cash <input type="checkbox"/> b. in-kind; specify: nature _____ value _____		
<b>14. Brief Description of Services Performed or to be Performed and Date(s) of Service, including officer(s), employee(s), or Member(s) contacted, for Payment Indicated in Item 11:</b>       (attach Continuation Sheet(s) SF-LLL-A if necessary)		
<b>15. Continuation Sheet(s) SF-LLL-A attached:</b> <input type="checkbox"/> Yes <input type="checkbox"/> No		
<b>16. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the (for above) when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.</b>		Signature: _____ Print Name: _____ Title: _____ Telephone Nos: _____ Date: _____

## INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Use the SF-LLL-A Continuation Sheet for additional information if the space on the form is inadequate. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.
2. Identify the status of the covered Federal action.
3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.
4. Enter the full name, address, city, state and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subgrants, subgrants and contract awards under grants.
5. If the organization filing the report in item 4 checks "Subawardee", then enter the full name, address, city, state and zip code of the prime Federal recipient. Include Congressional District, if known.
6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.
7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.
8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."
9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.
10. (a) Enter the full name, address, city, state and zip code of the lobbying entity engaged by the reporting entity identified in item 4 to influence the covered Federal action.  
(b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).
11. Enter the amount of compensation paid or reasonably expected to be paid by the reporting entity (item 4) to the lobbying entity (item 10). Indicate whether the payment has been made (actual) or will be made (planned). Check all boxes that apply. If this is a material change report, enter the cumulative amount of payment made or planned to be made.
12. Check the appropriate box(es). Check all boxes that apply. If payment is made through an in-kind contribution, specify the nature and value of the in-kind payment.
13. Check the appropriate box(es). Check all boxes that apply. If other, specify nature.
14. Provide a specific and detailed description of the services that the lobbyist has performed, or will be expected to perform, and the date(s) of any services rendered. Include all preparatory and related activity, not just time spent in actual contact with Federal officials. Identify the Federal official(s) or employee(s) contacted or the official(s), employee(s), or Member(s) of Congress that were contacted.
15. Check whether or not a SF-LLL-A Continuation Sheet(s) is attached.
16. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

Public reporting burden for this collection of information is estimated to average 30 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing the burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, D.C. 20503

**DISCLOSURE OF LOBBYING ACTIVITIES  
CONTINUATION SHEET**

Approved by OAG  
05-05-0004

Reporting Entity: \_\_\_\_\_ Page \_\_\_\_\_ of \_\_\_\_\_

**PROJECT TITLE** \_\_\_\_\_

**BRIEF NARRATIVE DESCRIPTION:**\_\_\_\_\_

PERIOD OF PERFORMANCE: FROM \_\_\_\_\_ TO \_\_\_\_\_

**MILESTONES:**

**ACTION**

**ESTIMATED  
COMPLETION DATE**

[illegible]